

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

CHERYL GIBBS,	)	
	)	Civil Action No. 07cv9851 (GBD)
Plaintiff,	)	
	)	
v.	)	
	)	
VERIZON,	)	
	)	
Defendant.	)	

**AFFIDAVIT OF MARC A. SCHOENECKER IN SUPPORT  
OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

STATE OF TEXAS            )  
                                  )     SS:  
COUNTY OF DALLAS        )

1. My name is Marc A. Schoenecker. I am currently employed by Verizon Services Group, Inc. ("Verizon Services") as Assistant General Counsel – Employee Benefits. I am also the legal counsel for the Verizon Claims Review Committee (the "VCRC").
2. One of my responsibilities as Assistant General Counsel – Employee Benefits is to assist the fiduciaries and administrators of pension plans sponsored by Verizon Communications Inc. and its subsidiaries and predecessors (collectively "Verizon"). I have reviewed the Complaint filed by Cheryl Gibbs in the above-captioned case, and am providing the information in this Affidavit as a means of identifying and authenticating certain plan documents and correspondence relating to Plaintiff's claim. I am providing the information in this Affidavit based on my personal knowledge or on a review of business records maintained by Verizon.
3. In her Complaint, Plaintiff asserts a claim for a disability pension under the Verizon Pension Plan for New York and New England Associates (the "Plan"). Attached hereto as Exhibit 1 is a copy of the Plan, excluding exhibits and schedules. Ms. Gibbs is a

participant under the Plan by virtue of her prior employment with Verizon and its affiliate/predecessor companies.

4. In November, 2006, Ms. Gibbs submitted a claim for a disability pension under the Plan. Ms. Gibbs' claim was initially reviewed by Metropolitan Life Insurance Company ("Metropolitan"). Metropolitan provides administrative services to Verizon in connection with various Verizon employee benefit plans, including administrative services relating to claims for disability pensions under the Plan.

5. Following its review, Metropolitan recommended that Ms. Gibbs' claim be denied because there was no medical or claim information which supported Ms. Gibbs' inability to work subsequent to her first date of absence, and because she had not received sickness benefits under the company's sickness and accident disability benefit plan for 52 weeks, and therefore she failed to meet that requirement for a disability pension benefit under the Plan. Following its receipt of that recommendation from Metropolitan, by letter on March 12, 2007, a copy of which is attached hereto as Exhibit 2, the Verizon Benefits Delivery Disability Processing Unit sent a letter to Ms. Gibbs informing her that that her claim for a disability pension under the Plan was denied.

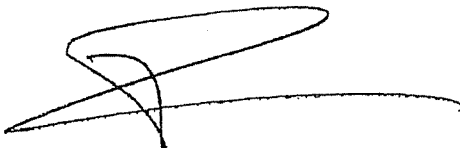
6. In a handwritten letter received by Verizon on May 18, 2007, a copy of which is attached hereto as Exhibit 3, Ms. Gibbs submitted an administrative appeal from the initial decision denying her claim for a disability pension under the Plan. In accordance with the appeal and review procedures under the Plan, Ms. Gibbs' appeal was referred for disposition to the VCRC, which is the designated Appeals Administrator under the Plan.

7. Ms. Gibbs' appeal was considered by the VCRC at its July 19, 2007 meeting. Attached hereto as Exhibit 4 is a copy of the portion of the agenda for the July 19,

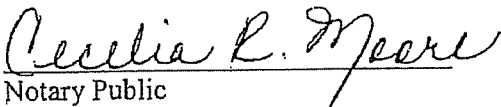
2007 VCRC meeting which addressed Ms. Gibbs' appeal, including a July 9, 2007 memorandum completed by Dr. Rukhshna Sadiqali, Verizon's Medical Director.

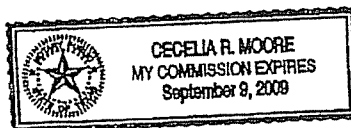
8. At the July 19, 2007 meeting of the VCRC, the earlier determination denying Ms. Gibbs' claim for a disability pension under the Plan was upheld. Ms. Gibbs was informed of the decision of the VCRC by letter dated July 25, 2007, a copy of which is attached hereto as Exhibit 5.

9. Attached hereto as Exhibit 6 is a copy of the complete file of Verizon and the VCRC relating to Ms. Gibbs' application for a disability pension under the Plan, including a copy of the file maintained by Metropolitan, the file maintained by the VCRC, minutes of the VCRC's July 19, 2007 meeting, and copies of various emails between and among persons at Verizon concerning the issues relevant to Ms. Gibbs' claim. These documents have been redacted to remove social security numbers and dates of birth of Ms. Gibbs and other Verizon employees whose claims may have been the subject of review by the VCRC during the July 19, 2007 meeting of the VCRC at which Ms. Gibbs' appeal was considered.

  
\_\_\_\_\_  
Marc A. Schoenecker

SWORN TO AND SUBSCRIBED TO  
before me this 29th day of May, 2008

  
\_\_\_\_\_  
Notary Public



My Commission Expires

9-09-2009

# **EXHIBITS**

\* \* \* \* \*

**FILED HARD COPY**

**VIA HAND DELIVERY**

**ON 5-30-08**